

**CITY OF SAN JOSE**  
**&**  
**THE INTERNATIONAL UNION OF OPERATING ENGINEERS, Local No. 3**  
**(OE#3)**

**2013 CONTRACT NEGOTIATIONS GROUND RULES**

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**GENERAL PROCESS**

1. The purpose of the parties is to make every effort to reach agreement on a new Memorandum of Agreement.
2. Either party may caucus at any time, with the understanding that the caucus time is reasonable and provides an estimated conclusion time.
3. There is no implied commitment by either party when brainstorming during negotiation sessions. Brainstorming will be considered confidential.
4. Any Tentative Agreement on a new Memorandum of Agreement or on individual issues must be in writing and signed by the lead negotiators. Nothing that is not in writing and signed by the lead negotiators will be construed as part of any Tentative Agreement.
5. A Tentative Agreement on a new Memorandum of Agreement, including any tentative agreements reached during the negotiations on individual issues, is subject to ratification by the Union membership and approval of the City Council in open session. The City's negotiating team agrees that they will make good faith efforts when recommending a Tentative Agreement on the entire contract to the City Manager and the City Council, and the Union agrees that they will make good faith efforts when recommending a Tentative Agreement on the entire contract to the union membership.

## RELEASE TIME

6. The City will authorize release time from regular duties for up to four (4) out of six (6) OE#3 representatives to participate in each negotiation session. OE#3 representatives will be granted paid release time for negotiation sessions that occur during their regular work schedule. OE#3 representatives shall not receive compensation for sessions that may occur outside their regular working hours.
7. Release time from regular duties shall include reasonable prep time, about ½ hour for each negotiation session.

FOR THE CITY

Bachembri  
3/18/13

FOR THE UNION

Walter H. [Signature]  
3/18/13